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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,746	08/22/2001	Paul Graves Mcelroy	72123	9028

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EXAMINER

GURSHMAN, GRIGORY

ART UNIT PAPER NUMBER

2132

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/934,746

Applicant(s)

MCELROY ET AL.

Examiner

Grigory Gurshman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant has filed no amendment to the pending claims 1-18.
2. Regarding the instant claims, Applicant argues that neither of the prior art patents relied upon addresses the problem to which the invention is directed. Examiner points out that the alleged differences between teachings of prior art of record and Applicant's invention are not reflected in the claims. Applicant is encouraged to amend claims to clearly distinguish the claimed invention from the art of record.
3. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., automatic configuration) are not recited in the rejected claim(s) in a way that it shows the difference between the automatic configuration claimed and the configuration performed at IAD (19) and unit 45 (in Fig. 1) of Kolbenson. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).
4. In view of the reasons presented herein, rejection of claims 1-18 is maintained.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Kolbenson (U.S. Patent No. 5,594,727) in view of Gallagher (U.S. Patent No.

6,704,304).

7. Referring to the instant claims, Kolbenson discloses a telephone switch providing dynamic allocation of time division multiplex resources (see abstract and Fig. 1).

Kolbenson teaches that customer may connect its telephones to lines that connect, through an IAD, to a network of voice rate lines and its modems and facsimile machines to lines that connect, through the IAD, to a network of data rate lines (see col. 1, lines 62-67).

8. Referring to the independent claims 1 -3 and 10, the limitation "an integrated access device (IAD) adapted for installation .... being connectable with the digital communication link and voice/data equipment" is met by IAD (unit 19 in Fig. 1) and customer port module (20 -2) and port module (30-2) connected to PSTN data network line (see Fig. 1). The limitation IAD " configured for operation with the communication interface circuits" is met by IAD (19) and unit 45 (in Fig. 1). The limitation IAD " being operative to conduct packetized voice and data communications between the voice/data equipment an the digital communications switch by way of communication interface circuits" is met by control interface (51) coupled with the mains switch (50) and PSTN data network, which provides packetized voice and data. Kolbertson teaches configuring the IAD (see Figs. 9- 10).

9. Kolbenson, however does not explicitly teach performing analysis of the digital communications link for identifying the communication interface circuits and configuring the IAD for compatibility with the communication interface. Referring to the instant claims, Gallagher discloses selective establishment of telecommunications connections over packet and circuit switched networks (see abstract and Fig.1). Gallagher shows in Fig. 1 three customer stations, Plain Old Telephone Service (POTS) station 1, integrated access devices (IAD) 2, and personal computer (PC) station 3, all connected to an originating packet access network 10, and comparable POTS station 4, IAD 5, and PC station 6, connected to a terminating packet access network 20. The packet access network includes a POTS interface circuit 17 for converting the analog POTS signals into PCM signals, which are then connected to COMDAC 16.

Gallagher teaches that a call is originated and directed by COMDAC, (Action Block 201), or directed by the customer premises equipment (CPE), such as a PC of the customer's station or an integrated access device (IAD), (Action Block 202). The Server System checks whether the call can be routed via the packet network, (Action Block 203). This decision is based on whether the core packet network can be expected to provide packet transmission that meets the quality requirements of the network. For those cases in which the server recognizes that the packet network connection is less economical than a PSTN connection, the result of this check would also be negative. Test 205 determines whether the check of Action Block 203 was successful. If it was successful, the COMDAC or CPE, in cooperation with the server system, selects a route and attempts to route the call via the core packet network, (Action Block 207).

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10. Therefore, at the time the invention was made, it would have been obvious to one of ordinary skill in the art to modify the system of Kolbenson providing packetized voice and data communications over interface circuits by analyzing the communication links for identification of the source of the call and configuring IAD as taught in Gallagher.

One of ordinary skill in the art would have been motivated to modify the system providing packetized voice and data communications over interface circuits by analyzing the communication links for identification of the source of the call and configuring IAD as taught in Gallagher for selective establishment of the telecommunication connections (see Gallagher, abstract).

11. Referring to claims 4, 5, 11, 14, Gallagher shows that IAD accesses the PSTN.

12. Referring to claims 7, 8, 16 and 17, it is well known in the art of telecommunications over PSTN to perform connection analyses based on line rates.

One of ordinary skill in the art would have been motivated to perform connection analyses based on line rates for costs minimizations.

13. Referring to claims 6, 15, Kolbenson teaches the use of parameters associated with the number of ports and port signaling (see port module 30-2 in Fig. 1)

14. Referring to claims 9 and 18, it is well known in the art to have encoding format corresponding to HDLC or ATM protocols. One of ordinary skill in the art would have been motivated to use encoding format corresponding to HDLC or ATM protocols from ability to use IAD in the standard communication environment.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Grigory Gurshman whose telephone number is (571)272-3803. The examiner can normally be reached on 9 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571)272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

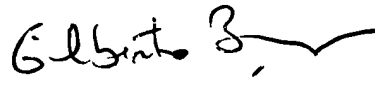
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GG

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